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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Makoto IIDA et al.

Group Art Unit: 1794

Application No.: 10/586,953

Examiner: G. BLACKWELL

Filed: July 25, 2006

Docket No.: 128832

For: A SILICON SINGLE CRYSTAL, A SILICON WAFER, AN APPARATUS FOR PRODUCING THE SAME, AND A METHOD FOR PRODUCING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the June 10, 2009 Restriction Requirement, Applicants provisionally elect Group III, claims 49-74 and 77-78, with traverse.

Applicants respectfully submit that there exists *a priori* unity of invention with respect to claims 28-79, by virtue of the fact that the claims of Groups I, II, and III are directed to a product, an apparatus for making the product, and a method of making the product, respectively. As stated in 37 C.F.R. § 1.475 (discussed in Section 1850 of the MPEP):

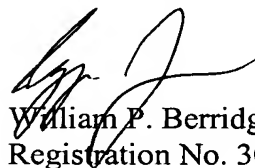
An international or a national stage application containing claims to different categories of invention **will be considered to have unity of invention** if the claims are drawn only to one of the following combinations of categories:
...(5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

Thus, Applicants submit that the claims of Groups I, II, and III share special technical features, necessary for unity of invention under PCT Rule 13.1. Furthermore, Applicants

respectfully submit that the Office Action fails to show where JP Publication No. 11-116392 discloses or suggests all of the elements of the claimed single silicon crystal grown by the CZ method, recited in claim 28; the Office Action does not cite any portion of JP Publication No. 11-116392. Therefore, the Office Action fails to demonstrate that JP Publication No. 11-116392 discloses one of the common technical features of the claims of Groups I, II, and III. For at least these reasons, Applicants respectfully submit that claims 28-79 (i.e., Groups I, II, and III) are linked by unity of invention under PCT Rule 13.1, and thus a restriction requirement at this time is improper.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Azza M. Jayaprakash
Registration No. 55,299

WPB:AMJ/ldg

Date: July 10, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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